

The Honorable Ronald B. Leighton

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

AURA ROSSI

Plaintiff,

vs.

CITY OF LAKEWOOD et al.

Defendants.

NO. C07-5411-RBL

STIPULATED MOTION AND ORDER
SEEKING LEAVE TO DEPOSE DSHS
WITNESSES AFTER DISCOVERY
CUTOFF

Noting Date: 06/13/08

STIPULATED MOTION

By and through their attorneys, the parties stipulate and respectively move as follows:

1. On June 11, 2008 Third-party Defendant, DSHS, filed a Rule 12 motion to dismiss based on Eleventh Amendment Immunity. That motion is noted for consideration on July 4, 2008.

2. Defendant City of Lakewood wishes to depose one or more DSHS witnesses. However, after exploring possible dates with counsel for DSHS, and because DSHS has objected to being deposed as a party witness until after this Court

has ruled on its Rule 12 motion, it appears that it will be impossible to conduct these depositions before the June 30, 2008, discovery cutoff.

3. On joint stipulation and motion, the parties therefore respectfully request that the Court allow the DSHS witnesses to be deposed after discovery cutoff.

Signed this 13th day of June 2008.

/s/ Diana V. Blakney
Michael B. Tierney, WSBA 13662
Diana V. Blakney, WSBA 17629
Attorneys for Defendant City of Lakewood

/s/ Lindsey Malone Pflugrath
Lindsey Malone Pflugrath, WSBA 36964
William J. Bender WSBA 6574
Attorneys for Lakewood Fire District No. 2

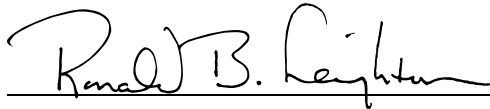
/s/ Christopher K. Steuart
Christopher K. Steuart, WSBA 24583
Lonnie Davis, WSBA 5091
Attorneys for Plaintiff

ORDER

THIS MATTER having come on regularly before the undersigned Judge this day upon the above Stipulated Motion of the parties by their respective attorneys of record, and finding good cause, it is hereby

ORDERED, that the DSHS witnesses may be deposed after the discovery cutoff date of June 30, 2008.

DONE IN OPEN COURT this 17th day of June 2008.



(Electronic Signature Fixed by Authorization)

RONALD B. LEIGHTON

UNITED STATES DISTRICT JUDGE

Presented by:
MICHAEL B. TIERNEY, P.C.

/s/ Diana V. Blakney
Michael B. Tierney, WSBA 13662
Diana V. Blakney, WSBA 17629
Attorneys for Defendant City of Lakewood

Approved as to Form,

/s/ Lindsey Malone Pflugrath
Lindsey Malone Pflugrath, WSBA 36964
William J. Bender WSBA 6574
Attorneys for Lakewood Fire District No. 2

/s/ Christopher K. Steuart
Christopher K. Steuart, WSBA 24583
Lonnie Davis, WSBA 5091
Attorneys for Plaintiff